

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-60701-CIV-DAMIAN/Valle

STEVEN B. AUBREY,

Plaintiff,

v.

**JOHN D. FRY, BRIAN D. FILLINGIM,
and GLEN A. FITZMARTIN,**

Defendants.

**ORDER GRANTING PLAINTIFF'S UNOPPOSED
MOTION FOR CLARIFICATION/RECONSIDERATION
OF THE COURT'S DECEMBER 11, 2024 ORDER [ECF NO. 60]**

THIS CAUSE is before the Court on Plaintiff, Steven B. Aubrey's ("Plaintiff"), Unopposed Motion for Clarification/Reconsideration of the Court's December 11, 2024 Order Granting Defendants' Expedited Unopposed Joint Motion to Stay Order Requiring Joint Scheduling Report [ECF No. 60] ("Motion for Clarification"), filed December 16, 2024.

THE COURT has reviewed the Motion, the pertinent portions of the record and is otherwise fully advised.

On December 11, 2024, this Court granted Defendants' Expedited Unopposed Joint Motion to Stay Order Requiring Joint Scheduling Report and temporarily stayed the case pending the Court's ruling on Defendants' Motion to Dismiss. *See* ECF No. 59.


In the Motion now before the Court, Plaintiff seeks clarification of this Court's December 11, 2024 Order. Plaintiff indicates that he intends to file a request for the Court to take judicial notice of relevant facts to be used in support of Plaintiff's response to Defendants' Motion to Dismiss but is uncertain if the stay prohibits such filing. This Court's December

11, 2024, Order stayed the case in so far as the parties were required to submit a scheduling report. The Order does not stay litigation in this matter regarding the pending Motion to Dismiss Plaintiff's Complaint.¹ As there is no scheduling order in place, the parties are not required to engage in any discovery until a scheduling order is entered or until further order of the Court.

Accordingly, and noting the Motion is unopposed by Defendants, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Unopposed Motion for Clarification [ECF No. 60] is **GRANTED**. Plaintiff may file a request for the Court to take judicial notice. Any such motion must be filed in compliance with the Local Rules and the Federal Rules of Civil Procedure.

DONE AND ORDERED in Chambers at Fort Lauderdale, Florida, this 7th day of January, 2025.

A handwritten signature in black ink, appearing to read 'M. Damian', is written over a horizontal line.

MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE

cc: Steven Aubrey, *Pro se*
Counsel of record

¹ Plaintiff's response to Defendants' Motion to Dismiss was due on or before January 4, 2025, pursuant to the Court's December 3, 2024 Order granting Plaintiff's Unopposed Motion for Extension of Time. *See* ECF No. 56. However, the Court notes that January 4th was a Saturday, and, therefore, Plaintiff timely filed a response on January 6.